

REMARKS

Claims 1-19 are currently pending in the present application. Reconsideration is respectfully requested in light of the amendments and remarks set forth herein.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 12-19 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 12 has been amended in accordance with and to address the Examiner's rejection. Specifically, claim 12 has been amended to clarify that the second flange receives the first flange.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-6, 8, 9 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Long, U.S. Patent No. 3,000,681. As amended, claim 1 currently defines a privacy screen that comprises, among other things, a first member having a generally planar first portion and a second member having a generally planar second portion, wherein the first and second member are telescopingly adjustable with respect to one another, thereby allowing adjustment of an overall length of the privacy screen extending between a first end and a second end, the planar first portion and the planar second portion are adapted to be vertically oriented when secured to the desk assembly, at least a select one of the first member and the second member includes at least one securing flange extending along an edge of the planar first portion and planar second portion, and wherein the at least one securing flange is adapted to be secured to at least a select one of a worksurface, a first supporting member and a second supporting member. The bottom walls 25 and 25a of the waste receptacle 21 as disclosed by Long are not vertically oriented, and therefore do not anticipate that which is defined in claim 1. Further, the walls 23 and 23a as disclosed by Long do not include first and second flanges and securing flanges as defined in claim 1. Accordingly, claim 1 is in condition for allowance. Claims 2-11 are dependent from claim 1, which is in condition for allowance, as noted above, and are therefore also in condition for allowance.

Claims 12-17 and 19 were also rejected under 35 U.S.C. §102(b) as being anticipated by Long. Independent claim 12, as currently amended, defines similar limitations to those discussed above with respect to claim 1, therefore claim 12 is allowable for similar reasons.

Accordingly, claim 12 is in condition for allowance. Claims 13-19 are dependent from claim 12 which is in condition for allowance, and are therefore also in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. §103:

Claims 7, 10 and 18 were rejected as being unpatentable over Long in view of Alexander, U.S. Patent No. 4,145,098. Applicants believe these rejections to be moot in view of the amendments and arguments as set forth above. However, it is noted that the record sets forth that Long fails to teach an apparatus with an upper flange as defined in the claims, and that Alexander teaches a privacy screen having an upper flange with an aperture for receiving a fastener for securing the screen to a desktop. However, that bottom walls 25 and 25a of the waste receptacle 21 as disclosed by Long are in fact spaced from the worksurface associated therewith and that the addition of any flange to those portions would not allow the coupling of the same thereto, and in fact a drawer assembly as disclosed by Long is positioned between a waste receptacle and the worksurface. Therefore, Applicants are unsure as to how the flange could be added thereto in order to secure the waste receptacle to the worksurface.

Accordingly, claims 1-19 are now considered to be in condition for allowance, and a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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Dated: February 22, 2008

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